

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
Eastern Division**

WILLIAM FAMBROUGH,

*Plaintiff,*

v.

THE CITY OF EAST CLEVELAND, OHIO;  
MAYOR BRANDON KING, in his individual  
capacity; CHIEF OF POLICE SCOTT  
GARDNER, in his individual capacity; LAW  
DIRECTOR WILLA HEMMONS, in her  
individual capacity; ASSISTANT LAW  
DIRECTOR HEATHER MCCOLLOUGH, in  
her individual capacity; OFFICER MARK  
ALLEN, in his individual capacity; CAPTAIN  
KENNETH LUNDY, in his individual capacity;  
OFFICER ANDREW MAJERCIK, in his  
individual capacity; OFFICER WILLIAM  
NEVELS, in his individual capacity; OFFICER  
KYLE WOOD, in his individual capacity; and  
JOHN DOES I-X,

*Defendants.*

Civil Case No. 1:22-cv-00992-BMB

Judge Bridget Meehan Brennan  
Magistrate Judge Thomas M. Parker

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**PLAINTIFF'S FIRST SET OF INTERROGATORIES  
TO DEFENDANT SCOTT GARDNER**

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PROPOUNDING PARTY: Plaintiff William Fambrough

RESPONDING PARTY: Defendant Scott Gardner

SET NUMBER: One (1)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff William Fambrough requests that Defendant Scott Gardner answer the following interrogatories ("Interrogatories"), in writing and under oath, within thirty (30) days from the date of service hereof. If the person who verifies the answers to these interrogatories does not possess personal

knowledge of all the information contained in an answer, that person will, for each answer or part of an answer not verified by personal knowledge, identify the person or persons from whom the information was obtained or a full description of the document, including its location, if the source of the information is documentary.

### **DEFINITIONS**

1. “And” means “and/or.”
2. “And/or” is a connection between grammatically coordinate words, phrases, or clauses meaning “as well as,” “in addition to,” and “also,” unless applying this meaning would exclude material that would otherwise be included by using “alternatively” or simply “or.” The term shall in all cases be read as broadly as possible to bring within the scope of every request all material that could possibly be called for by the request, notwithstanding any reading of the term that could narrow the scope of the request.
3. “The City” or “East Cleveland” means the City of East Cleveland, Ohio. This definition includes all appointed and elected officials, agents, employees, subsidiaries, affiliates, staff, and anyone else acting on its behalf—past or present.
4. “Communication” means any oral or written transmittal of information, by and to whomever made, including, but not limited to, correspondence (including electronic correspondence), dialogues, meetings, discussions, interview, consultations, agreements, text messages, voicemails, and all other understandings between or among two or more persons.
5. “Concerning” means relating to, referring to, regarding, describing, evidencing, or constituting.
6. “Describe” means to answer in complete detail and not simply to state an answer in summary or outline fashion; it includes without limitation narrating, relating, or depicting a series of events, including identifying the parties involved, where the events took place, and when and how the events unfolded.
7. “Document” means any medium containing information in the broad sense of Federal Rule of Civil Procedure 34(a), including the original or copy of documents or electronically stored information such as drawings, graphs, charts, photographs, sound recordings, images, data, data compilations, electronic mail, text messages, and voicemails. A draft or non-identical copy of a document (including copies bearing distinct annotations or comments) is a separate document.
8. “Parking Ordinance” means East Cleveland Code of Ordinances § 351.11.
9. “Noise Ordinance” means East Cleveland Code of Ordinances § 509.15.

10. "Permit Ordinance" means East Cleveland Code or Ordinances § 311.02.
11. "Identify" means:
  - a. when used in conjunction with a person or other entity: to provide the name, address, telephone number, and e-mail address of the person or entity; and for a person, the current place of employment, if known;
  - b. when used in reference to documents: to specify the contents of the documents in sufficient detail (e.g., title of document, author, date prepared, and description of contents) to permit a person to locate and recognize the document. Please identify the current custodian of each document by providing that person's name, address, telephone number, and e-mail address;
  - c. when used with respect to a date, event, thing, or set of facts: to describe with specificity the facts, event, date, or thing sought through the request, including where applicable, the month, day, year, name, general description, and any other facts necessary to make the response complete.
12. "Including" and "includes" should not be read as limiting terms; instead, "including" means "including, but not limited to," and "includes" means "includes, but is not limited to."
13. "Or" means "and/or."
14. "Person" means any natural individual, corporation, limited liability company, partnership, limited partnership, proprietorship, joint venture, association, organization, group of persons, and any other business, legal, or government entity or institution.
15. "Relating or referring" means having a connection to, referencing, addressing, concerning, describing, evidencing, and/or constituting, whether the connection is direct or indirect.
16. "You" or "Your" mean the responding party.
17. The terms "all" and "each" shall be construed as all and each so as to provide the fullest breadth of meaning.
18. The use of the singular form of any word includes the plural and vice versa.

### **INSTRUCTIONS**

1. If you do not know the answer to all or any part of an interrogatory, please include a statement to that effect, furnish any information currently known or available, and detail what steps you took to secure the unknown information.
2. Any objections to these interrogatories must state in writing the specific nature of the objection and the reasons for it. Federal Rule of Civil Procedure Rule 33 provides that you must serve any objections within 30 days.

3. If you object to any interrogatory on the ground that it asks for privileged material, set forth fully in the objection the facts upon which you rely as the basis for the asserted privilege, including (a) the name of the person making the communication, (b) the names of persons present while the communication was made, (c) the relationship of the persons present to the person making the communication, (d) the date of the communication, (e) the place of the communication, (f) the subject matter of the communication, and (g) the basis on which you claim a privilege. If a document is involved, identify each and every person known to you to have seen that document. If an oral communication is involved, identify the communication (as defined above), and identify every person to whom the substance of the communication was disclosed.
4. If only a part of an interrogatory is objectionable, please answer the unobjectionable portion of that interrogatory.
5. These interrogatories are continuing in nature. If at any time after service of your responses, you become aware of additional information pertaining to any of these interrogatories, please serve such supplemental responses as necessary to update your previous responses.
6. If any of these interrogatories is unclear, please contact Plaintiff's counsel. Plaintiff's counsel stands ready to clarify the scope of these interrogatories and work with Defendants to conduct just and expeditious discovery.

### **INTERROGATORIES**

#### **Interrogatory No. 1:**

Describe the legal and factual bases for Your contention that you are entitled to qualified immunity.

#### **Response:**

#### **Interrogatory No. 2:**

Describe Your role as Chief of Police between May and August 2021, including your interactions with the Mayor's Office and Law Department and your supervision over the Police Department.

#### **Response:**

**Interrogatory No. 3:**

Describe Your procedures for oversight and assignment of officers to enforce East Cleveland's traffic code (Part 3 of the East Cleveland Code of Ordinances), as it existed between May and August 2021.

**Response:**

**Interrogatory No. 4:**

Describe all the instructions You gave to East Cleveland police officers—including Mark Allen, Kenneth Lundy, Andrew Majercik, William Nevels, and Kyle Wood—concerning Plaintiff William Fambrough and his sound truck between May and August 2021.

**Response:**

**Interrogatory No. 5:**

Describe any actions you took to investigate the police interactions with or enforcement against Plaintiff William Fambrough during the Summer of 2021 after learning of the citizen complaint filed with the Cuyahoga County Sheriff's office by Plaintiff William Fambrough on July 29, 2021 (produced at PLTF0002–03).

**Response:**

**Interrogatory No. 6:**

Describe any actions you took to investigate the police interactions with or enforcement against Plaintiff William Fambrough during the Summer of 2021 after learning of the petitions for civil stalking protection orders filed in the Court of Common Pleas for Cuyahoga County by William Fambrough on September 2, 2021 or after participating in the hearing on those petitions on September 20, 2021.

**Response:**

**Interrogatory No. 7:**

Describe the interaction between You, Defendant Hemmons, and Plaintiff William Fambrough referenced on page 6 of the Defendant's Motion to Dismiss, or In the Alternative for Summary Judgment (ECF 19).

**Response:**

September 29, 2022

Respectfully submitted,

/s/ Benjamin A. Field

Benjamin A. Field\*

Caroline Grace Brothers\*

Brian A. Morris (Bar No. 0093530)

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*\*Admitted pro hac vice*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of September, 2022, the foregoing was served on all counsel of record via electronic mail.

/s/ Benjamin A. Field

Benjamin A. Field

*Counsel for Plaintiff*